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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR BENTON COUNTY

9 WALTER L. TAMOSAITSIS, PHD, an
10 individual, and SANDRA B. TAMOSAITSIS,
representing the marital community,

11 Plaintiffs,

12 vs.

13 BECHTEL NATIONAL, INC., a Nevada
14 Corporation, URS CORPORATION, a
Nevada Corporation, FRANK RUSSO, an
15 individual, GREGORY ASHLEY, an
16 individual, WILLIAM GAY, an individual,
DENNIS HAYES, an individual, and CAMI
17 KRUMM, an individual,

18 Defendants.
19

Case No.: 10-2-02357-4

COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL

20 **I. JURISDICTION**

21 1.1 Plaintiff, Walter L. Tamosaitis, Ph.D. (“Dr. Tamosaitis”), is a citizen of
22 the United States residing in Richland, Washington.

23 1.2 Sandra B. Tamosaitis is a citizen of Washington residing in Richland,
24 Washington. She is lawfully married to Dr. Tamosaitis.
25

COMPLAINT - 1

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1.3 The defendant, URS Corporation (“URS”), is a corporation organized and existing under the laws of the State of Nevada, with its principal place of business at the Department of Energy (“DOE”) Hanford site in Richland, Washington.

1.4 The defendant, Bechtel National, Inc. (“Bechtel”), is a corporation organized and existing under the laws of the State of Nevada, with its principal place of business at the DOE Hanford site in Richland, Washington.

1.5 The defendant Frank Russo, on information and belief, is a citizen of the State of Washington.

1.6 The defendant Gregory Ashley is a manager at the Bechtel WTP and a citizen of the State of Washington.

1.7 The defendant William “Bill” Gay is a manager at URS and a citizen of the State of Washington.

1.8 The defendant Dennis Hayes is a manager at URS and a citizen of the State of Washington.

1.9 The defendant Cami Krumm is a manager at URS and on information and belief is a citizen of the State of Washington.

II. FACTS

HANFORD HISTORY AND THE WASTE TREATMENT PLANT

2.1 The Hanford Nuclear Site (“Hanford”), is located in Southeastern Washington State, and is a former nuclear weapons production facility. Since 1990, the DOE has been dedicated to a clean-up mission to deal with the cold-war legacy of

1 high-level pollution on site. Hanford sits adjacent to the Columbia River and is home
2 to 53 million gallons of hazardous high-level nuclear waste.

3 2.2 For more than forty years, reactors located at Hanford produced
4 plutonium for America's defense program. The process of making plutonium is
5 extremely "inefficient" in that a massive amount of liquid and solid waste is generated
6 while only a small amount of plutonium is produced. The DOE's mission is to ensure
7 that all of the facilities and structures that were associated with Hanford's defense
8 mission are deactivated, decommissioned, decontaminated, and demolished. Over
9 10,000 employees are currently employed at Hanford for that purpose.
10

11 2.3 High-level nuclear waste, which is composed of chemical and
12 radioactive waste ("high-level nuclear tank waste"), is currently stored in 177 large
13 underground tanks, all of which have exceeded their projected stable lifetime by at
14 least twenty years and a third of which are confirmed to have leaked into the ground
15 beneath the tanks. DOE estimates that approximately 1 million gallons of high-level
16 nuclear tank waste have leaked into the ground at Hanford. The groundwater under
17 more than 85 square miles of the Hanford site is contaminated above current
18 standards.
19

20 2.4 The cornerstone of the high-level nuclear tank waste cleanup project at
21 Hanford is the Hanford Tank Waste Treatment Plant ("WTP"). The WTP will be an
22 industrial complex of facilities for separating and vitrifying (immobilizing in glass)
23 millions of gallons of high-level nuclear tank waste. Vitrification technology involves
24 blending the high-level nuclear tank waste with glass-forming materials and heating it
25

1 to over 2,000 degrees Fahrenheit. The mixture is then poured into stainless steel
2 canisters to cool and solidify. In this glass form, the high-level nuclear tank waste is
3 currently considered stable and impervious to the environment, and its radioactivity
4 will dissipate over hundreds or thousands of years.

5 2.5 The five major components of the WTP will be: the Pretreatment
6 Facility for separating the high-level nuclear tank waste into the high level radioactive
7 waste stream and the low level stream, the High-Level Waste and Low-Activity Waste
8 facilities where the high-level nuclear tank waste will be immobilized into glass, the
9 Analytical Laboratory for providing chemical analysis for plant operations and testing
10 the quality of the glass, and the Balance of Facilities, which will comprise several
11 support facilities such as compressed air and treated water.
12

13 2.6 The WTP is currently one of the largest, if not the largest, project in the
14 United States and once complete, the WTP will be the largest facility of its kind in the
15 world.
16

17 2.7 The original Bechtel cost estimate for the WTP was about \$5 billion
18 and with a time estimate of seven years to complete it.

19 2.8 The current Bechtel cost estimate for constructing the WTP is over \$12
20 billion and the time estimate to complete it is nearly twenty years. Both cost and
21 schedule for the WTP have grown by over 240 percent.
22

23 2.9 Construction of the WTP is projected to be complete in about 2016,
24 and, following commissioning, the plant is planned to be fully operational by 2020.
25

1 2.10 The WTP is being built with a design life of forty years. There are
2 parts of the WTP that must operate for forty years with no maintenance including, for
3 example, tanks, pipelines, mixers in tanks, level control instrumentation, steam
4 spargers, and air system control devices.

5 2.11 The high-level nuclear tank waste in the Hanford waste tanks includes
6 plutonium and enriched uranium. A criticality accident occurs when a nuclear chain
7 reaction is accidentally allowed to occur in fissile material such as plutonium and
8 enriched uranium. This chain reaction releases radiation, which is highly dangerous to
9 personnel and could result in contamination of the surrounding facilities and
10 structures. When such incidents occur outside reactor cores and test facilities where
11 fission is intended to occur, they pose a high risk both of injury or death to workers.
12

13 2.12 A criticality incident of sufficient magnitude could also damage the
14 facility and endanger the public.

15 2.13 While the actual probability of a criticality may be low, the
16 consequences of a criticality would be significant. Consequences include notification
17 and reviews by state, federal, and international agencies, which could result in a
18 shutdown for an indeterminate period.
19

20 2.14 The hazardous high-level nuclear tank waste in the Hanford waste
21 tanks contains materials that constantly generate explosive hydrogen gas. The
22 hydrogen gas can become trapped and accumulate in the waste.
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2.15 A combined criticality with explosive gas release at the WTP could be an accident of the worst magnitude and could cause injury and death to workers as well as endangering the public and the environment.

DOE-ORP AT HANFORD

2.16 The U.S. Department of Energy's Office of River Protection ("DOE-ORP") manages the storage, retrieval, treatment, and disposal of Hanford's high-level nuclear tank waste. The DOE-ORP was established by the U.S. Congress in 1998, as an independent office at the Hanford Site with the exclusive focus of solving the Hanford tank cleanup challenge. The goal of the DOE-ORP is to complete tank cleanup quickly, safely, and cost effectively. To this end, it provides contract management, safety oversight, and project integration for its prime contractors, which are currently: Bechtel, Advanced Technologies and Laboratories International, Inc., and Washington River Protection Solutions, LLC. DOE-ORP is also responsible for ensuring that high-level nuclear tank waste cleanup is accomplished as an integrated waste treatment operation.

2.17 To ensure the safety of the overall project, the DOE-ORP implements an Integrated Safety Management approach for benchmarking and maintaining its safety culture.

BECHTEL AT HANFORD

2.18 Bechtel is a prime contractor for the DOE-ORP at Hanford. Bechtel was awarded the project in December 2000 and is directly responsible for the overall

1 project management including design, construction, and startup/commissioning as
2 well as other support functions such as project controls.

3 2.19 Bechtel has contract and legal obligations prohibiting retaliation against
4 whistleblowers at Hanford.

5 **URS AT HANFORD**

6 2.20 URS is a partner and principal subcontractor to Bechtel at Hanford for
7 work on the WTP. While URS is referred to as a “subcontractor,” URS functions as a
8 partner in that it splits profits and fees paid equally with Bechtel and URS also shares
9 key staff positions with Bechtel.
10

11 2.21 URS’s earnings are a direct result of contract milestone performance
12 with Bechtel as judged by DOE, rather than a typical subcontractor payment schedule.

13 2.22 The milestone performance includes both distinct milestones as well as
14 subjective judgments by the DOE in areas such as responsiveness and percentage of
15 work completed.
16

17 2.23 URS has contract and legal obligations prohibiting retaliation against
18 whistleblowers at Hanford.

19 2.24 Bechtel has no authority to direct URS to remove URS employees from
20 Hanford in retaliation for whistleblowing activities.

21 **DR. TAMOSAITS**

22 2.25 Dr. Tamosaitis has a Ph.D. in Systems Engineering and Engineering
23 Management, over forty years industrial experience in chemical and nuclear plants,
24 and is a registered professional engineer.
25

1 2.26 In 2003, while employed by Washington Group International, Dr.
2 Tamosaitis was assigned to work at the WTP as Research and Technology Manager.
3 In the second half of 2006 he was assigned the additional duties as an Assistant Chief
4 Process Engineer. In this capacity he executed the duties of the Chief Engineer as
5 required and called upon.

6 2.27 In about 2005, URS acquired Washington Group International and Dr.
7 Tamosaitis became an employee of URS maintaining the same job functions as he had
8 performed under Washington Group International.

9
10 2.28 As the Research and Technology Manager and Assistant Chief Process
11 Engineer, Dr. Tamosaitis was responsible for the Research and Technology Program
12 supporting the \$12+ billion WTP Project, which included: project management of
13 about \$500 million of chemical process and flowsheet development and design
14 involving worldwide support; program management of first-of-a-kind development
15 programs involving chemical engineering, chemistry, as well as flowsheet
16 development; leading the \$100 million Pretreatment Pilot Plant Facility Program from
17 conception to closure; maintaining working knowledge of DOE 413.3A Project
18 Management and Technology Readiness Reviews; acting in the capacity of, and
19 representing, the Chief Engineer in on-site and off-site meetings and presentations;
20 overall guidance of the process flowsheet; leading the External Flow Sheet Review
21 Team of the WTP flowsheet; interacting with all major review and customer groups
22 including the Defense Nuclear Facilities Safety Board (“DNFSB”), State of
23 Washington, DOE, and the Government Accountability Office,; program coordination
24
25

1 with major universities, national laboratories, and consultants worldwide; research and
2 development business development for URS involving direct and joint teaming
3 proposals to DOE and program coordination with DOE grant recipients; and,
4 development and mentoring of personnel in URS and Bechtel including summer
5 students and interns.

6 2.29 Dr. Tamosaitis' job responsibilities for the WTP Project also included
7 identifying and solving technology problems and raising concerns to management
8 about engineering and process issues that could potentially affect the safe, efficient,
9 and effective operation of the WTP including, but not limited to, waste mixing issues,
10 vessel design, tank sampling, process limits, mixer operation, material pump out, heel
11 removal, chemical reactions, viscosity control, pipeline transfer, glass formulations,
12 melter operation, melter sampler systems, as well as the continuity of knowledge for
13 future operations.
14

15 **DOE ORDERS EVALUATION OF WTP VIABILITY**

16
17 2.30 In October 2005, Dr. Tamosaitis was appointed as the lead of the first
18 DOE External Flowsheet Review Team ("EFRT") study, also known as the "Best and
19 Brightest" review. This study was initiated in response to criticism from the
20 Government Accountability Office ("GAO") at a Congressional hearing in April 2005,
21 and pursuant to commitments from the Energy Secretary for an independent review.
22 Over fifty consultants were hired to review the technical viability of the WTP Project
23 over a four-month period.
24
25

1 2.31 The EFRT study identified twenty-eight issues, and its report (“EFRT
2 Report”) was the subject of media coverage and much external review and inquiries to
3 Bechtel.

4
5 **BILL GAY BECOMES WTP ASSISTANT PROJECT MANAGER**

6 2.32 In 2009, URS appointed Bill Gay as the WTP Assistant Project
7 Manager.

8
9 2.33 In early 2009, Dr. Tamosaitis sent a letter to a URS Vice President
10 Dave Pethick identifying engineering issues and safety culture issues at Hanford. Bill
11 Gay reviewed the letter written by Dr. Tamosaitis no later than March 2009.

12
13 **2009 TAMOSAITIS SAFETY ISSUE LIST**

14 2.34 In late June 2009, at the request of the Bechtel Engineering Director,
15 Greg Ashley, Dr. Tamosaitis submitted a list of about 100 issues (“2009 Tamosaitis
16 Safety Issue List”) that needed to be addressed and required design attention to ensure
17 the safety, efficiency, and effectiveness of the WTP operation.

18
19 2.35 At the time of submitting the 2009 Tamosaitis Safety Issue List, Dr.
20 Tamosaitis recommended that one overall issue list be developed to either replace the
21 many individual lists or to provide a master tracking list. Bechtel did not develop one
22 issue list as recommended, which made the tracking of unresolved issues much more
23 difficult than had one list been created and maintained.

THE 2009 EFRT M3 MIXING ISSUE: MILESTONE DELAYED

2.36 On May 15, 1989, the DOE, the U.S. Environmental Protection Agency, and the State of Washington Department of Ecology signed a comprehensive cleanup and compliance agreement known as the Tri-Party Agreement, which is an agreement for achieving compliance at Hanford with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) remedial action provisions and with the Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal unit regulations and corrective action provisions. The Tri-Party Agreement:

- 1) defines and ranks CERCLA and RCRA cleanup commitments at Hanford;
- 2) establishes responsibilities;
- 3) provides a basis for budgeting; and
- 4) reflects a concerted goal of achieving full regulatory compliance and remediation, with enforceable milestones in an aggressive manner.

2.37 The Tri-Party agreement was revised in late 2008 or early 2009. One milestone of the Tri-Party agreement was the closure of all technical issues by December 31, 2009. The M3 issue was the last open EFRT issue of the twenty-eight that required closure ("ERFT M3 mixing issue"). Twenty-seven of the twenty-eight EFRT issues were closed by October 2009.

2.38 The EFRT M3 mixing issue required that design problems be resolved concerning the mixing of the high-level nuclear tank waste in thirty-eight tanks in the pretreatment area of the WTP. Of the thirty-eight tanks, fourteen tanks presented

1 special design and mixing challenges. The design provides that the more than 50
2 million gallons of high-level nuclear tank waste be transported via pipelines to and
3 between these pre-treatment tanks in preparation for vitrification. If the high-level
4 nuclear tank waste is not sufficiently mixed in the pre-treatment tanks, plutonium may
5 settle out and may cause a criticality accident. If the high-level nuclear tank waste is
6 not sufficiently mixed in the pre-treatment tanks, hydrogen gas bubbles will
7 accumulate and may be trapped in the waste, which could lead to a sudden gas release
8 and an explosion or fire. Even if neither of those scenarios develops, poorly mixed
9 high-level nuclear tank waste may cause the WTP to operate inefficiently, and under
10 some circumstances to shut down. Inefficient and ineffective design can lead to the
11 design life of the plant being exceeded before all the Hanford nuclear waste is
12 processed.

14 2.39 The EFRT M3 mixing issue had not been resolved as scheduled, and in
15 September 2009, at the direct request of DOE-ORP manager Shirley Olinger, Dr.
16 Tamosaitis was appointed to lead the EFRT M3 mixing issue resolution effort.

18 2.40 In a multi-day weekend meeting, between October 2-4, 2009, Dr.
19 Tamosaitis proposed a September 30, 2010 (a nine month delay), date for closure of
20 the EFRT M3 mixing issue. During the meeting, Bechtel management changed the
21 date to complete testing by April 30, 2010 and close the EFRT M3 mixing issue by
22 June 30, 2010. Bechtel Manager Ted Feigenbaum and Assistant Project Manager Bill
23 Gay, URS, told Dr. Tamosaitis to “throw the kitchen sink at it.” Bechtel management
24 indicated that Bechtel wanted to solve the mixing problem and, rather than worry
25

1 about the mixing design within the tanks, other external systems would be changed to
2 support the design including, the air supply system, air removal system, mixing
3 systems within the tanks, and structural components.

4 2.41 On information and belief, in late 2009, a revision to the Tri-Party
5 Agreement was approved setting June 30, 2010, as the new deadline for closure of
6 EFRT M3 mixing issue.

7
8 **BECHTEL MANAGER RUSSO BECOMES**
9 **WTP PROJECT MANAGER AND SEEKS CLOSURE OF**
10 **THE EFRT M3 MIXING ISSUE AT ANY COST**

11 2.42 In or about November 2009, Bechtel Manager Frank Russo became the
12 WTP Project Manager. Russo was the fifth WTP Bechtel Project manager in eight
13 years.

14 2.43 In January 2010, Russo replaced Dr. Tamosaitis as the manager
15 leading the EFRT M3 mixing issue resolution effort with retiring manager Mike
16 Robinson. Dr. Tamosaitis stayed involved and provided several key contributions,
17 which enabled closure efforts to proceed, including scaling reports, changes in the
18 particle size distributions, improvements to the stimulant compositions as well as
19 leadership to his direct reports involved in the EFRT M3 mixing issue resolution.

20 2.44 In or about January 2010, Russo made it clear that the M3 program
21 must be closed by June 30, 2010. This was important to meet the Tri-Party Agreement
22 milestone and to ensure that Bechtel was paid \$6 million in fees for meeting the
23 milestone. To achieve closure of the EFRT M3 mixing issue, Russo implemented a
24 plan to do the least possible work at the lowest expense to meet the June 30 deadline
25

1 despite valid safety and throughput concerns (“Bechtel’s M3 management approach
2 under Russo”).

3 2.45 Russo claimed to have a contact in the DOE headquarter who would
4 help ensure that the EFRT M3 mixing issue was closed by the June 30, 2010 deadline.
5 Russo claimed to have a “silver bullet” he could use with a contact at DOE to achieve
6 this objective.

7 2.46 Despite being almost ten years into the project, from January to March,
8 2010, Bechtel engineering identified many key and pertinent design facts that severely
9 impacted the EFRT M3 mixing issue designs. These included limitations on the
10 maximum mixer velocities, limitations in the pressure supply, unavailability of
11 equipment, and inadequate modeling methods. Despite the design issues that were
12 being identified, Bechtel and URS management would not entertain or consider a
13 change in the completion date despite having only a few months left to complete
14 testing.
15

16 2.47 Due to the inadequate mixing results, in about February 2010, Bechtel
17 engineering proposed using an alternate scaling approach so that the velocity of the
18 mixers met what was allowed by the current design (“Bechtel’s alternative scaling
19 approach”). This signaled to Dr. Tamosaitis that the strategy of “throwing the kitchen
20 sink at it” had now changed. Dr. Tamosaitis directly raised concerns to Bechtel
21 Engineering, specifically to Russell Daniel, about the inadequacy of using different
22 scaling parameters at different tank operating levels. Dr. Tamosaitis expressed his
23 concern that this method increased safety risks and was a questionable design
24
25

1 approach. In May 2010, an external consultant on the EFRT M3 mixing issue,
2 referred to Bechtel's alternative scaling approach as criminally negligent.

3 2.48 In March 2010, due to continued unacceptable mixing test results
4 regarding the EFRT M3 mixing issue, Bechtel engineering again changed the design
5 approach to mixing in a manner that further increased safety risks. This change
6 involved only partial clearing of the bottom of the tank with each mixer pulse. Dr.
7 Tamosaitis again lodged concerns with Bechtel engineering management and was told
8 that improved and more efficient designs will be investigated in an optimization
9 period following M3 closure.
10

11 2.49 In the February-March 2010 timeframe, the Pacific Northwest National
12 Laboratory ("PNNL") raised questions concerning the simulant being used in the
13 EFRT M3 mixing issue testing and whether it was really representative of the actual
14 hazardous waste. If the simulant being used was not representative of the actual waste,
15 the test results could provide a result that indicated success when failure actually
16 occurred.
17

18 2.50 In about March 2010, DOE issued a letter to the Bechtel stating that in
19 order to obtain the \$6 million award fee set for June 30, 2010, all, not just a portion, of
20 the M3 issue had to be closed, or words to that effect. During this period, Russo and
21 Gay both supported the changes that reduced mixing effectiveness, despite the
22 comments of several people, including those from PNNL. Russo and Gay continued
23 to push the June 30, 2010 closure date.
24
25

1 2.51 In addition to supporting the changes that reduced mixing
2 effectiveness, Russo and Gay also supported changes that reduced the amounts (the
3 amount of solids in the waste) of what the plant processed as well as suggesting
4 reducing operating levels in vessels.

5 2.52 In late March 2010, in a meeting comprised of technical and
6 management persons from Bechtel, URS, and PNNL, called to discuss the EFRT M3
7 mixing issue, a DOE Ph.D. scientist raised a concern about the mixing of thin, water-
8 like solutions in tanks designed to mix thicker solutions (“DOE mixing concern”).
9 This concern was specific to five of the pretreatment tanks, which were a part of the
10 EFRT M3 mixing issue.

11 2.53 On information and belief, Russo and Bechtel engineering managers
12 discussed the schedule and concluded that if they had to do testing to address the DOE
13 mixing concern , the June 30, 2010 closure date would not be met and therefore
14 Bechtel would lose the \$6 million award fee. Bechtel then advocated that the DOE
15 mixing concern could be resolved without testing. In about late April 2010, Bechtel
16 launched an effort to show that no testing was needed for these five tanks.

17 2.54 Dr. Tamosaitis suggested that testing was needed to resolve the DOE
18 mixing concern to ensure the safety of the WTP.

19 2.55 As a response to the DOE mixing concern, Bechtel proposed putting in
20 systems to pump residual materials out of approximately fourteen tanks to prevent
21 buildups on the bottom of the tank rather than directly addressing the main mixing
22 issue.
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1 2.56 On information and belief, Bechtel did not want to address the mixing
2 issue directly because of the design changes that would be needed as well as the
3 reconstruction of vessels. This would result in major cost increases and schedule
4 impacts and require more testing thereby jeopardizing the \$6 million milestone award
5 for meeting the June 30, 2010 deadline.

6 2.57 Around March or April 2010, discussions continued regarding
7 Bechtel's alternative scaling approach. A large-scale mixing demonstration test was
8 proposed to DOE about this time ("large-scale demonstration test"). Gay told Dr.
9 Tamosaitis that Tamosaitis and his group would manage and conduct that large-scale
10 demonstration test after the EFRT M3 mixing issue was closed.

11 2.58 In May 2010, Gay held a meeting of URS employees assigned to
12 resolve the EFRT M3 mixing issue, and chartered a clandestine effort to prepare for
13 another test to resolve the DOE mixing concern (the "Gay test plan"). Dr. Tamosaitis
14 questioned Gay about the Gay test plan and noted that it was in direct violation of the
15 Earned Value Management System ("EVMS") principles by which the WTP Project is
16 sworn to operate. Dr. Tamosaitis also pointed out to Gay that Bechtel and DOE would
17 have to approve all aspects of any test so a clandestine effort made little sense. Gay
18 responded, "I am the boss and just do it," or words to that effect.

19 2.59 In early June 2010, Bechtel management notified Dr. Tamosaitis and
20 others that there would be no optimization testing. This was another departure from
21 the "throw the kitchen sink at it" approach taken by Bechtel before Russo assumed
22 management responsibilities.
23
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1 2.60 On information and belief, the Gay test plan resulted in costs of over
2 \$150,000.

3 2.61 Between February and June 2010, URS Deputy Project Manager Gay
4 repeatedly discussed the importance of closing the EFRT M3 mixing issue and the
5 negative impact that failing to close would have on careers and compensation. On one
6 or more occasions, Gay stated, "If M3 doesn't close I'll be selling Amway in Tijuana."

7 2.62 In late June, Dr. Tamosaitis sent emails to consultants working on the
8 M3 mixing issue asking them to state their opinions on aspects of Bechtel's M3
9 management approach under Russo ("June 2010 Tamosaitis consultant emails"). On
10 or about July 1, 2010, Russo and Gay became aware of the June 2010 Tamosaitis
11 consultant emails.
12

13 2.63 On June 29, 2010, URS Manager Bob French, directed that words like
14 "M3 testing" not be used in any future correspondence.
15

16 2.64 On June 30, 2010, Bechtel announced that the EFRT M3 mixing issue
17 was closed, which was the agreed date for closure despite the existence of many
18 unresolved safety and technical issues. As of June 30, 2010, items related to tank
19 mixing performance, which had not been designed and/or tested included: level
20 control, mixer operation, sampling, heel pump out, and pumpout of the actual
21 materials over a range of operating conditions.
22

23 2.65 As of June 29, 2010, Bechtel estimated that approximately \$14.6
24 million was available for Dr. Tamosaitis' Research and Technology group over the
25

1 next eight years, and about \$4.8 million was available to support his Research and
2 Technology group in 2011.

3 2.66 On June 29, 2010, Richard Edwards, PETD manager, circulated a draft
4 organizational announcement stating that Dr. Tamosaitis and Dr. Tamosaitis' Research
5 and Technology group would move to the WTP Operations Department with Dr.
6 Tamosaitis reporting to Dennis Hayes ("first Research and Technology organizational
7 announcement").
8

9 2.67 On June 30 2010, Dennis Hayes agreed to meet with Dr. Tamosaitis
10 that Friday morning to discuss the final details of Dr. Tamosaitis' and his Research
11 and Technology group's move to WTP operations.

12 2.68 On June 30, 2010, Richard Edwards issued an email stating that it was
13 his last day at the WTP. On information and belief, Edwards transferred and did not
14 report to work after that day at Hanford and was not involved in WTP activities after
15 that.
16

17 2.69 On the evening of June 29, 2010, Gay announced that the closure of
18 M3 was imminent.

19 **THE JULY 1, 2010 ISSUES MEETING**

20 2.70 On July 1, 2010, Dr. Tamosaitis participated in a meeting called by
21 Bechtel Technical Director Greg Ashley to discuss open issues ("July 1, 2010 open
22 issue meeting") related to the WTP. Ashley did not attend, but delegated the running
23 of the meeting to Bechtel Chief Engineer Barbara Rusinko. At this July 1, 2010 open
24 issue meeting, Dr. Tamosaitis provided a list of about fifty open issues ("2010
25

1 Tamosaitis Safety Issue List”) along with a copy of the 2009 Tamosaitis Safety Issue
2 List (referred to jointly as the “two safety issue lists”), most of which were still open.

3 2.71 Rusinko brought cherries to the July 1, 2010 open issue meeting, and
4 after Dr. Tamosaitis asked if he could have some, Rusinko stated to Dr. Tamosaitis:
5 “Maybe you will choke on the cherries,” or words to that effect.

6 2.72 Others attending the July 1, 2010 open issue meeting provided issue
7 lists, but none were as extensive as Dr. Tamosaitis’ two safety issue lists. Also, very
8 few of the issues suggested by others dealt directly with process issues as did Dr.
9 Tamosaitis’ two safety issue lists.
10

11 2.73 Each line item on the various lists was reviewed by the attendees at the
12 July 1, 2010 open issue meeting, and most of the line items were discussed.

13 2.74 Rusinko attempted to dismiss Dr. Tamosaitis’ concerns at the July 1,
14 2010 open issue meeting by stating that she thought most of the issues listed on the
15 two safety issue lists were already closed.
16

17 2.75 One or more persons at the July 1, 2010 open issue meeting expressed
18 disagreement with Rusinko’s characterization of Dr. Tamosaitis’ two safety issue lists
19 as being “mostly closed.”

20 2.76 At the July 1, 2010 open issue meeting Dr. Tamosaitis also raised the
21 same concern he had raised the year before, which was that Bechtel should maintain
22 one list of open issues for issue tracking; otherwise, the tracking of unresolved issues
23 is nearly impossible without one list being created and maintained.
24
25

1 2.77 The 2010 Tamosaitis Safety Issue List contained several items that
2 were needed to ensure the tanks mixed safely, efficiently, and effectively. These
3 included level control, mixer operation, sampling, heel pump out, and pumpout of the
4 actual materials over the range of operating conditions. Dr. Tamosaitis suggested that
5 these items could be tested as part of a large-scale demonstration test. The large-scale
6 demonstration test had been previously discussed by Bechtel, URS, and DOE;
7 however, the estimated cost for the test was about \$150 million and was a major
8 concern to Bechtel.
9

10 2.78 While the U.S. Government pays for everything in the projects at
11 Hanford, if a task can be shown to be within the technical scope of the contractor, the
12 cost goes against the contractor's performance and their fees and earnings are then
13 penalized for poor cost performance. On information and belief, Bechtel did not want
14 to identify technical issues since the issues could be tied to Bechtel and Bechtel then
15 would be financially penalized.
16

17 2.79 At the July 1, 2010 open issue meeting Rusinko suggested that the two
18 safety issue lists should be "combined and regrouped." Several persons present at the
19 meeting expressed disagreement with Rusinko's approach to combining and
20 regrouping the two safety issue lists because as issues are combined, the details and
21 reasoning is lost and forgotten.
22

23 2.80 At the July 1, 2010 open issue meeting, a recommendation was made
24 by URS Manager Donna Busche, that a process hazards operations review should be
25 conducted to identify what issues remained open regarding the WTP. Rusinko stated

1 that the review could be done “if it is quick and short.” Busche stated that it would be
2 long and tedious, as it should be to be effective. Rusinko again stated, “make it quick
3 and short.”

4 2.81 After the July 1, 2010 open issue meeting ended, Dr. Tamosaitis sent an
5 email to Busche offering his support of the process hazards review (“July 1, 2010
6 Tamosaitis process hazards review email”). Dr. Tamosaitis also requested information
7 on how Dr. Tamosaitis and his Research and Technology group could support it. Dr.
8 Tamosaitis copied Ashley and Gay on the email.
9

10 2.82 Dr. Tamosaitis left the work site early in the afternoon of July 1, 2010.

11 **ON JULY 1, 2010 THE DEFENDANTS CONSPIRE TO REMOVE DR.**
12 **TAMOSAITIS FROM HANFORD**

13 2.83 On information and belief, on or about July 1, 2010, Russo became
14 aware of the June 2010 Tamosaitis consultant emails, Dr. Tamosaitis’ statements
15 during the July 1, 2010 open issue meeting including the suggestion of a large-scale
16 demonstration test and of the July 1, 2010 Tamosaitis process hazards review email
17 (“Tamosaitis whistleblower activities”), and formed an agreement with Gay, Ashley,
18 URS Operations Manager Dennis Hayes, and/or URS Human Resources Manager
19 Cami Krumm, to remove Dr. Tamosaitis from the Hanford site and from his job duties
20 regarding the WTP.
21

22 2.84 On information and belief, the Tamosaitis whistleblower activities were
23 a substantial factor in the decision to remove Dr. Tamosaitis from Hanford.
24
25

1 2.85 In the alternative, Bechtel, Russo and Ashley intentionally interfered
2 with the business relationship between Dr. Tamosaitis and URS causing URS to
3 remove Dr. Tamosaitis from his job duties at Hanford.

4
5 **ON JULY 2, 2010 THE DEFENDANTS REMOVE**
6 **DR. TAMOSAITIS FROM HANFORD**

7 2.86 On July 2, 2010, Dr. Tamosaitis was scheduled to return to work for a
8 7:00 a.m. meeting, which was a planned vacation day for Dr. Tamosaitis. The purpose
9 of the July 2, 2010 meeting was to discuss the final details of the movement of Dr.
10 Tamosaitis' Research and Technology group to the operations department at the WTP.

11 2.87 On July 2, 2010, Dr. Tamosaitis arrived at work for the 7:00 a.m.
12 meeting ("July 2, 2010 termination meeting"). One of his managers accompanied him.
13 Before the meeting started, URS Operations Manager Dennis Hayes, told his manager
14 to leave and that he was not needed. When asked why, Hayes said that the topic of the
15 meeting had changed or words to that effect.

16
17 2.88 Hayes then told Dr. Tamosaitis to go into his office. Present in the
18 office was Patrick Ellis, acting for the URS Human Relations manager (Krumm).
19 Hayes immediately told Dr. Tamosaitis that he was fired from the WTP Project as of
20 that moment or words to that effect.

21
22 2.89 At the July 2, 2010 termination meeting, Hayes directed Dr. Tamosaitis
23 to return his badge, cell phone, and Blackberry, and to leave the site immediately, or
24 words to that effect.

1 2.90 At the July 2, 2010 termination meeting, Hayes stated to Dr. Tamosaitis
2 that the decision to remove Dr. Tamosaitis from the project was made the night before,
3 on July 1, 2010, or words to that effect.

4 2.91 At the July 2, 2010 termination meeting, Hayes stated to Dr. Tamosaitis
5 that, "Bechtel Manager Frank Russo wants you off the project immediately" or words
6 to that effect.

7 2.92 At the July 2, 2010 termination meeting, Hayes again told Dr.
8 Tamosaitis to return his badge, phone, and Blackberry and to leave the site or words to
9 that effect, and in response Dr. Tamosaitis returned both his badge and phone as he did
10 not have his Blackberry with him

11 2.93 At the July 2, 2010 termination meeting, Hayes told Dr. Tamosaitis that
12 Dr. Tamosaitis could not go to his office to retrieve any personal belongings or words
13 to that effect. Hayes told Dr. Tamosaitis that Dr. Tamosaitis must leave [Hanford]
14 immediately and talk to no one or words to that effect.
15

16 2.94 At the July 2, 2010 termination meeting, several times Dr. Tamosaitis
17 asked Hayes and Ellis for an explanation for his removal from the project. Hayes said
18 he had no explanation and was only doing what he had been directed to do or words to
19 that effect. Ellis made the similar statements. No reason was provided to Dr.
20 Tamosaitis for why this action was being taken.
21

22 2.95 At the July 2, 2010 termination meeting, Dr. Tamosaitis asked if he
23 could go by the desk of a person on the same floor and pay the dog-sitting fee to a
24 secretary for her daughter's effort to watch his dog over the July 4th weekend. Hayes
25

1 told Dr. Tamosaitis that he could not do that and must leave the building immediately
2 under the escort of Ellis or words to that effect. Ellis was in URS Human Resources
3 and was acting as the URS Human Resources Manager. He was present for the
4 complete July 2, 2010 termination meeting.

5 2.96 Ellis escorted Dr. Tamosaitis out of the building. When he reached the
6 main door of the building, Dr. Tamosaitis again asked Ellis what was going on and
7 why was this happening? Ellis again told Dr. Tamosaitis that he did not have any
8 information and knew nothing or words to that effect.
9

10 2.97 After being escorted out of the building by Ellis, Dr. Tamosaitis left
11 Hanford and returned to his home.

12 2.98 Neither Hayes nor Ellis took action to oppose Dr. Tamosaitis' removal
13 from Hanford.

14 **URS MANAGERS GAY AND SAIN TAKE NO ACTION**
15 **TO PROTECT DR. TAMOSAITS FROM RETALIATION FOR HIS**
16 **WHISTLEBLOWER ACTIVITY**

17 2.99 On July 2, 2010, from his home, Dr. Tamosaitis spoke with Leo Sain,
18 the URS Senior Vice President in Aiken, South Carolina, by telephone ("July 2, 2010
19 Tamosaitis/Sain telephone call"). Sain stated that he could not elaborate on why Dr.
20 Tamosaitis was removed from the WTP Project or words to that effect. Prior to the
21 July 2, 2010 Tamosaitis/Sain telephone call, Sain had been briefed about Tamosaitis'
22 removal from Hanford.

23 2.100 Sain asked Dr. Tamosaitis whether at the July 1, 2010 open issue
24 meeting Dr. Tamosaitis had recommended that a large-scale demonstration test was
25

1 needed or words to that effect. Dr. Tamosaitis stated that “yes, I had it on the list, but
2 not specific to just for mixing; it was on the list to test other issues like sampling,
3 controls, level measurement, like others, including Bechtel engineering, had brought
4 up before the [July 1, 2010 open issue] meeting.” The large-scale demonstration test
5 was referred to on the 2010 Tamosaitis Safety Issue List, which Dr. Tamosaitis had
6 disseminated at the July 1, 2010 open issue meeting as Items 45, 42, 10, and 14.

7
8 2.101 In the July 2, 2010 Tamosaitis/Sain telephone call, Sain directed Dr.
9 Tamosaitis to come to Aiken South Carolina on July 7, 2010 to discuss his termination
10 from Hanford and an “opportunity” or words to that effect.

11 2.102 After several attempts, Dr. Tamosaitis was able to reach Gay by
12 telephone on July 2, 2010 (“July 2, 2010 Tamosaitis/Gay telephone call”). Gay stated
13 that he was on vacation, but would be back late Monday, July 5, 2010 and contact Dr.
14 Tamosaitis then or word to that effect.

15 2.103 In the July 2, 2010 Tamosaitis/Gay telephone call, Gay stated that he
16 had very little information and could only offer that DOE had become very upset with
17 an email that he had sent out [the June 2010 Tamosaitis consultant emails] or words to
18 that effect. Gay stated that someone on the outside had contacted someone in DOE
19 and expressed concern over the email or words to that effect. This indicated to Dr.
20 Tamosaitis, that similar to Sain, Gay had been actively involved in the termination
21 decision.
22

23 2.104 In the July 2, 2010 Tamosaitis/Gay phone call, Gay stated that he did
24 not have enough information to discuss the termination action.
25

1 2.105 In the July 2, 2010 Tamosaitis/Gay telephone call, Gay told Dr.
2 Tamosaitis that he would contact him late on Monday when he returned to Richland
3 and that he should have a good weekend, or words to that effect.

4 2.106 On July 2, 2010, Greg Ashley directed the creation and dissemination
5 of a second organizational announcement (“second Research and Technology
6 organizational announcement”). The second Research and Technology organizational
7 announcement issued by Greg Ashley was the same as Edwards’ first Research and
8 Technology organizational announcement , but had removed Dr. Tamosaitis’ name
9 and only stated that the Research and Technology group was moving to Operations.
10

11 2.107 Neither Gay nor Sain took action to oppose Dr. Tamosaitis’ removal
12 from Hanford.

13 **URS HR MANAGER KRUMM TAKES NO ACTION**
14 **TO PROTECT DR. TAMOSAITIS FROM RETALIATION FOR HIS**
15 **WHISTLEBLOWER ACTIVITY**

16 2.108 On July 5, 2010, at about 2:00 p.m., URS HR Manager Krumm
17 contacted Dr. Tamosaitis to schedule a meeting later that day with Gay. In the
18 conversation, Dr. Tamosaitis asked Krumm for a written explanation as to why he was
19 terminated from Hanford. Krumm said she had no information that she could provide
20 or words to that effect. Krumm further stated that things had not been handled
21 properly.

22 2.109 Krumm took no action to oppose Dr. Tamosaitis’ removal from
23 Hanford.
24
25

1 **URS MANAGERS SAIN AND HOLLAN AGAIN TAKE NO ACTION**
2 **TO PROTECT DR. TAMOSAISIS FROM RETALIATION FOR HIS**
3 **WHISTLEBLOWER ACTIVITY**

4 2.110 On July 7, 2010, Dr. Tamosaitis met with Sain in Aiken, South
5 Carolina ("Aiken meeting"). Also in attendance was URS Human Resources Manager
6 Dave Hollan. The Aiken meeting involved meetings in the morning and the afternoon
7 with Tamosaitis, Sain and Hollan as well as short separate meetings between
8 Tamosaitis and Sain, and Tamosaitis and Hollan.

9 2.111 At the Aiken meeting, Dr. Tamosaitis asked why he was there and why
10 he had been terminated [from Hanford]. Both Sain and Hollan stated that they had
11 looked at the [June 2010 Tamosaitis consultant] emails and did not see anything
12 wrong.

13 2.112 Dr. Tamosaitis asked if he could read the DOE response to the June
14 2010 Tamosaitis consultant emails and was told "no" by Sain. Sain would only read
15 him one or two sentences out of it or words to that effect.

16 2.113 At the Aiken meeting, Sain told Dr. Tamosaitis that if he really tried he
17 could read something into the [June 2010 Tamosaitis consultant] emails that could be
18 construed negatively or words to that effect.

19 2.114 At the Aiken meeting, Dr. Tamosaitis gave Sain and Hollan the
20 background of the consultant-authored emails leading to the June 2010 Tamosaitis
21 consultant emails. Again, both Sain and Hollan stated that they did not see anything
22 wrong with the [June 2010 Tamosaitis consultant] emails but "URS did whatever
23 Bechtel said" since URS was a subcontractor or words to that effect. At the Aiken
24
25

1 meeting, Dr. Tamosaitis questioned the term “subcontractor” because of the contract
2 fee agreement in which URS obtains 50% of all Project earnings.

3 2.115 At the Aiken meeting Sain and/or Hollan told Dr. Tamosaitis that “they
4 (URS) would have handled it differently but they do what Bechtel says” or words to
5 that effect.

6 2.116 At the Aiken meeting, Sain told Dr. Tamosaitis that he had to “forget
7 the issues” or words to that effect. Dr. Tamosaitis understood “forget the issues” to
8 mean the issues he had raised as part of the Tamosaitis whistleblower activities. Dr.
9 Tamosaitis pointed out to Sain that identifying issues was part of Dr. Tamosaitis’ job
10 scope. Dr. Tamosaitis asked Sain if he was not to do his job. Sain told Dr. Tamosaitis
11 to bring the issues to him or words to that effect.

12 2.117 On July 20, 2010, Sain contacted Dr. Tamosaitis by telephone. In that
13 call, Sain said that, “Russo made a mistake” or words to that effect, and said that any
14 “issues” should be brought to him or words to that effect. He also said, “Hell Walt,
15 haven’t you ever made a mistake?”

16
17
18 **GAY BLAMES RUSSO AND DOE FOR DR. TAMOSAITS’ REMOVAL**
19 **FROM HANFORD**

20 2.118 At a meeting held on July 12, 2010 (“July 12, 2010 URS meeting”), in
21 the presence of Dr. Tamosaitis, Hayes, and Krumm, Gay stated that Dr. Tamosaitis
22 was removed from the WTP Project at the direction of Bechtel WTP Project Manager
23 Frank Russo and DOE WTP Federal Project Director Dale Knudson or words to that
24 effect.

1 2.119 At the July 12, 2010 URS meeting, Gay stated that he had not been
2 involved and that Hayes had been the leading URS person to participate in the action
3 or words to that effect. Dr. Tamosaitis then questioned Hayes as to the basis for his
4 termination. Hayes stated that he did not have to answer Dr. Tamosaitis' questions as
5 he (Hayes) was only there to observe and that Dr. Tamosaitis "was not in charge of the
6 meeting."

7 2.120 At the July 12, 2010 URS meeting, Gay said Bechtel had the right to
8 terminate Dr. Tamosaitis as stated in the contract or words to that effect. Dr.
9 Tamosaitis said he had read the contract, had not seen this provision, and questioned
10 Gay as to where it was. Gay said he was not sure, or words to that effect.

11 2.121 Dr. Tamosaitis then asked for a copy of the contract that allegedly gave
12 Bechtel this right to terminate Dr. Tamosaitis from the WTP project ("Gay's alleged
13 contract"). Krumm said she would take it under advisement or words to that effect.
14 Gay's alleged contract statement has not been provided to Dr. Tamosaitis.

15 2.122 Dr. Tamosaitis also asked for a written and signed reason for his
16 termination [from Hanford]. Krumm said she would take that under advisement or
17 words to that effect. No written and signed reason for his termination has been
18 provided to Dr. Tamosaitis.

19 2.123 At the July 12, 2010 URS meeting, Gay read from a prepared script
20 except for briefly answering Dr. Tamosaitis' questions. Dr. Tamosaitis asked Gay as
21 to why his termination had occurred. Gay first stated it was a result of poor customer
22 attitude or words to that effect. Dr. Tamosaitis objected and asked Gay if his attitude
23
24
25

1 was any worse than others including Gay. Gay appeared to acknowledge that it was
2 not.

3 2.124 At the July 12, 2010 URS meeting, Gay then said the reason was poor
4 performance or words to that effect. Dr. Tamosaitis objected to this and asked where
5 it was documented as this was the first time he had heard this. Gay did not reply to
6 this direct question.

7 2.125 At the July 12, 2010 URS meeting, Dr. Tamosaitis then asked Gay why
8 Ashley was telling people that he (Dr. Tamosaitis) was going to be transferred to
9 England. Gay said he had been pursuing this or words to that effect. Gay admitted
10 that he had not discussed a transfer to England with Dr. Tamosaitis but had looked
11 into it anyway or words to that effect.
12

13 2.126 After the July 12, 2010 URS meeting, Krumm told Dr. Tamosaitis that
14 it was a “bad situation and that things had not been handled properly but her hands
15 were tied” or words to that effect.
16

17 **DR. TAMOSAISIS CONTACTS THE DNFSB**

18 2.127 On or about July 16, 2010, Dr. Tamosaitis sent a letter to the DNFSB
19 outlining his concerns regarding WTP engineering issues and the manner in which the
20 safety of the nuclear and chemical processes are being handled. Dr. Tamosaitis also
21 included concerns in the DNFSB letter about his punitive and retaliatory termination
22 in his letter.
23

24 2.128 The DNFSB placed a litigation hold on all relevant documents
25 directing the defendants not to destroy or otherwise dispose of such documents.

1 **DR. TAMOSAITIS' NEW MANAGER THREATENS HIM WITH MORE**
2 **RETALIATION**

3 2.129 On July 19, 2010, over lunch Dr. Tamosaitis' new supervisor, Duane
4 Schmoker, told Dr. Tamosaitis that Dr. Tamosaitis would be better off dropping the
5 issue of his termination from Hanford, or words to that effect, and stated: "If you go to
6 court, Bechtel is going to win," or words to that effect. Schmoker further stated: "If
7 you pursue this, your longevity is in danger." Dr. Tamosaitis asked if this meant his
8 life, health, or job. Schmoker made no reply.

9 **DR. TAMOSAITIS REMAINS EMPLOYED WITHOUT A**
10 **MEANINGFUL ASSIGNMENT**

11 2.130 Dr. Tamosaitis has been reassigned to a URS facility off Hanford, in
12 downtown Richland, in a non-supervisory role.

13 2.131 Dr. Tamosaitis has been given an office in the basement, which he
14 shares with two copying machines and a field worker who is usually not present.
15 Since being assigned to the basement, he has been given little or no meaningful work,
16 and has been relegated to projects that do not require his level of experience.

17 2.132 Dr. Tamosaitis' reputation in the community and his reputation in the
18 industry have been severely damaged by the illegal and retaliatory actions of URS,
19 Bechtel and the individual defendants.

20 2.133 Dr. Tamosaitis has lost friends and his family's social involvement in
21 the community has been impacted.

22 2.134 Dr. Tamosaitis has suffered loss of enjoyment of life, pain and
23 suffering, mental anguish, emotional distress, injury to reputation, and humiliation.
24
25

1 2.135 Dr. Tamosaitis will lose income and professional opportunities for the
2 remainder of his work life owing to the wrongful actions of the defendants.

3 2.136 URS and Bechtel are liable for the actions of their agents under the
4 doctrine of respondeat superior.

5 **III. CAUSES OF ACTION**

6 3.1 Plaintiff realleges the facts set forth in paragraphs 2.1-2.136 above and
7 incorporates the same by reference.

8 3.2 Plaintiff states a claim of intentional interference with contract or
9 business expectancy against Bechtel and the individual Bechtel defendants.

10 3.3 Plaintiff states a claim of civil conspiracy against Bechtel, URS, and
11 the individual defendants.

12 **IV. PRAYER FOR RELIEF**

13 WHEREFORE, plaintiff prays for relief as follows:

14 4.1 Damages for back pay, front pay, lost benefits, in an amount to be
15 proven at trial;

16 4.2 Damages for loss of enjoyment of life, pain and suffering, mental
17 anguish, emotional distress, injury to reputation, and humiliation;

18 4.3 Prejudgment interest in an amount to be proven at trial;

19 4.5 Reasonable attorney's fees and costs;

20 4.6 Injunctive relief;

21 4.7 Compensation for the tax penalty associated with any recovery;

22 4.8 Whatever further and additional relief the court shall deem just and
23 equitable.
24
25

1 **V. DEMAND FOR JURY**

2 5.1 Plaintiff hereby demands that this case be tried before a jury of twelve.

3
4 DATED this 13th day of September, 2010.

5 THE SHERIDAN LAW FIRM, P.S.

6
7
8 By: 

9 John P. Sheridan, WSBA # 21473